

REMARKS

This is a full and timely response to the final Office Action mailed April 30, 2004 (Paper No. 9). Upon entry of the foregoing amendment, claims 9-12 remain pending in the present application. Claims 9 and 12 have been amended and claims 1-8 have been canceled. It is believed that the foregoing amendments add no new matter to the present application. In view of the foregoing amendments and the following remarks, reconsideration and allowance of the present application and pending claims are respectfully requested.

I. Allowable Subject Matter

Applicants acknowledge the Examiner's indication in the Office Action that claims 9-12 would be allowable if amended or rewritten to overcome the rejection under 35 U.S.C. § 112, second paragraph. Applicants have amended claim 9 accordingly, as described in the Section II below. Therefore, the Examiner is respectfully requested to place claims 9-12 in condition for allowance.

II. Response to Rejection of Claims 9-12 under 35 U.S.C. § 112

A. 35 U.S.C. §112, Second Paragraph

Claim 9 has been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as their invention. In particular, the Office Action states that claim 9 has insufficient antecedent basis for "the message" in lines 6, 9, and 10, "the communication" in lines 10, 13, and 15, "the call" in line 15, and "the position" in line 1. *Office Action, page 2.*

Claim 9 has been amended so that sufficient antecedent basis is provided, and Applicants believe the amendment overcomes the rejection under 35 U.S.C. § 112, second paragraph. Applicants therefore request that the rejection of claim 9 be withdrawn.

B. Claims 10-12 are Allowable as a Matter of Law Because Each Depends from an Allowable Independent Claim

Applicants note that claim 12 was amended to correct a typographical error, and not in response to rejections made based on prior art. Applicants submit that no substantive limitations have been added to the claims. Therefore, no prosecution history estoppel arises from this amendment.

Applicants respectfully submit that because independent claim 9 is allowable, as argued above, dependent claims 10-12 are allowable as a matter of law for at least the reason that each claim contains all the elements, features and limitations of independent claim 9. *See In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

III. Response to Rejections under 35 U.S.C. § 103

Claims 1-8 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,922,045 to Hanson in view of U.S. Patent No. 6,199,076 to Logan, *et al.* Claims 1-8 are canceled from the application through this response without prejudice, waiver or disclaimer. Applicants reserve the right to present these canceled claims, or variants thereof, in continuing applications to be filed subsequently.

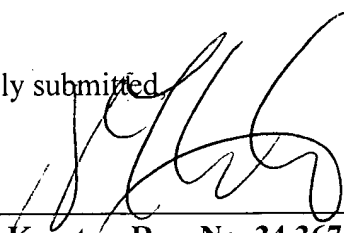
IV. Prior References & Miscellaneous

The prior references made of record have been considered, but are not believed to affect the patentability of the presently pending claims. In addition, all statements in the Office Action not specifically addressed herein should not be considered to be admitted.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 9-12 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,



Jeffrey R. Kuester, Reg. No. 34,367

**THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.**
Suite 1750
100 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500